

FACT SHEET

This fact sheet highlights parts of the Utah Medical Cannabis Act that are implemented by the Utah Department of Health. It provides information that is current as of March 24, 2020. While this fact sheet features certain parts of the Act, it is not intended to be comprehensive. For information about the cultivation and processing of medical cannabis in Utah, please contact the Utah Department of Agriculture and Food. A complete copy of the Utah Medical Cannabis Act and other laws relating to medical cannabis in Utah are available on the Utah Legislature's website (le.utah.gov).

RECOMMENDATION LETTERS

Qualifying patients who do not have a medical cannabis card but who have a "recommendation letter" from their medical provider may purchase medical cannabis from a medical cannabis pharmacy until December 31, 2020. Beginning January 1, 2021, a patient must obtain a medical cannabis card from the Utah Department of Health in order to purchase medical cannabis from a medical cannabis pharmacy. To qualify to purchase medical cannabis with a recommendation letter, the following requirements must be met:

1. Present to the medical cannabis pharmacy a recommendation letter from a medical provider who is a Utah-licensed medical doctor (MD), osteopathic physician (DO), advanced practice registered nurse (APRN), or physician assistant (PA) which confirms that the patient has been diagnosed with a qualifying condition.¹
2. The medical cannabis pharmacy must receive independent confirmation from the Utah-licensed medical professional or an employee of the medical professional that the recommendation letter is valid.² A medical cannabis pharmacy cannot sell medical cannabis to anyone with a recommendation letter unless they first receive independent confirmation.
3. Present a valid form of photo identification to the medical cannabis pharmacy which is a driver license, a United States passport, a United States passport card, or a United States military identification card.

A patient who purchases medical cannabis from a medical cannabis pharmacy using a recommendation letter may not purchase medical cannabis from a different medical cannabis pharmacy until they obtain a medical cannabis card from the Utah Department of Health. To expedite the medical cannabis pharmacy's independent confirmation of your recommendation letter, visit the website of a medical cannabis pharmacy and see if you can pre-register online and upload your recommendation letter to the pharmacy.

¹ See "Qualifying Conditions" section of this document or Utah Code 26-61a-104.

² Utah Code 26-61a-502 (10)(a)(ii)

UTAH MEDICAL CANNABIS

QUALIFIED MEDICAL PROVIDERS

A qualified medical provider (QMP) is a medical professional who can recommend a patient for treatment with medical cannabis.

- Qualified medical provider (QMP) registration is limited to Utah licensed, medical doctors (MD), osteopathic physicians (DO), advanced Practice Registered Nurses (APRN), and physician assistants (PA)³
- Must be licensed to prescribe a controlled substance.
- \$100 initial application fee and \$50 bi-annual renewal fee.
- Must complete four hours of department-approved continuing education prior to registration and four hours upon every two-year renewal. A list of approved courses is posted at medicalcannabis.utah.gov.
- QMP cannot recommend medical cannabis treatment to more than 275 of the QMP's patients at one time, or to more than 600 patients if the QMP is certified by the appropriate American medical board in anesthesiology, neurology, oncology, pain, hospice and palliative medicine, physical medicine and rehabilitation, rheumatology, endocrinology, psychiatry or if a licensed business employs or contracts the QMP for the specific purpose of providing hospice and palliative care.⁴
- QMP may only recommend medical cannabis treatment to a patient in the course of the physician-patient relationship after completing and documenting in the patient's record a thorough assessment of the patient's condition and medical history. The first appointment must be in-person but subsequent appointments may be done via telehealth.⁵
- QMP has the option of only recommending a medical cannabis card to a patient and not recommending directions of use and dosing guidelines.⁶ If a QMP does not recommend directions of use and dosing guidelines in the electronic verification system (EVS), the QMP must submit the following information about the patient in the EVS:
 - an evaluation of the qualifying condition underlying the recommendation;
 - prior treatment attempts with medical cannabis; and
 - the patient's current medication list.⁷
- QMP cannot advertise that they recommend medical cannabis treatment but they can communicate the following through a website: a green cross, a qualifying condition the QMP treats, or a scientific study regarding medical cannabis use. A QMP cannot advertise on materials that they are a QMP.⁸
- It is the QMP's responsibility to ensure that a patient signs a release of medical information form specifying authorization to release patient information required under the Utah Medical Cannabis Act.

³ Utah Code 26-61a-106

⁴ Utah Code 26-61a-106 (4)

⁵ Utah Code 26-61a-103(2)(c)(iii)

⁶ Utah Code 26-61a-502

⁷ Utah Code 26-61a-502 (4)

⁸ Utah Code 26-61a-106 (6)

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QUALIFYING CONDITIONS (26-61A-104)

Individuals with the following conditions are authorized under the Utah Medical Cannabis Act to receive a medical cannabis patient card:

- HIV or acquired immune deficiency syndrome (AIDS)
- Alzheimer's disease
- Amyotrophic lateral sclerosis
- Cancer
- Cachexia
- Persistent nausea that is not significantly responsive to traditional treatment except for nausea related to: pregnancy, cannabis-induced cyclical vomiting syndrome, or CBD hyperemesis syndrome
- Crohn's disease or ulcerative colitis
- Epilepsy or debilitating seizures
- Multiple sclerosis or debilitating muscle spasms
- Post-traumatic stress disorder (PTSD) that is being treated and monitored by a mental health therapist and that: has been diagnosed by a health care provider or mental health provider by the VA and documented in the patient's record; or has been diagnosed or confirmed by evaluation by a psychiatrist, master's level degree psychologist, a master's level degree licensed clinical social worker, or a psych APRN
- Autism
- Terminal illness when the patient's remaining life expectancy is less than 6 months
- Condition resulting in the individual receiving hospice care
- Rare condition or disease that affects less than 200,000 individuals in the U.S., as defined in federal law and this is not adequately managed despite treatment attempts using conventional medications (other than opioids or opiates) or physical interventions
- Pain lasting longer than two weeks that is not adequately managed, in the qualified medical provider's opinion, despite treatment attempts using conventional medications other than opioids or opiates or physical interventions⁹
- If a patient does not have a qualifying condition specifically named in the law, they may petition the Compassionate Use Board (CUB) for approval of their medical cannabis card. CUB meetings are closed to the public, applicants, and medical providers.

⁹ Utah Code 21-61a-104

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DOSAGE FORMS AND DEVICES

Medical cannabis forms and devices that may be legally purchased in Utah are limited to the following:

- Tablet
- Capsule
- Gelatinous cube
- Unprocessed cannabis flower in tamper evident and resistant container that is opaque that contains a quantity that varies no more than 10% from the stated weight at the time of packaging
- Wax or resin
- Liquid suspension or concentrated liquid or viscous oil
- Transdermal , sublingual, or topical preparation
- Medical cannabis device such as a vaping pen that warms cannabis material into a vapor without the use of a flame and that delivers cannabis to an individual's respiratory system

SMOKING OF MARIJUANA IS PROHIBITED. The process of vaporizing and inhaling concentrated cannabis by placing the cannabis on a nail or other metal object that is heated by a flame, including a blowtorch is prohibited. Edible products such as candies, cookies, and brownies are not permitted under Utah law.

MEDICAL CANNABIS CARDS

Qualifying patients who are Utah residents may apply for medical cannabis cards with their qualified medical provider (QMP) through the electronic verification system (EVS). The Utah Department of Health evaluates applications and issues cards within 15 days if applicant qualifies. All card applications submitted by patients under 21 years of age and submitted by patients without qualifying conditions must be approved by the Compassionate Use Board (CUB). Cards issued include the following:

Medical Cannabis Patient Card

- Issued to patients 18 years of age and older
- Valid for 90 days upon initial issuance, then six months upon renewal.
- Card for patients age 18-20 must have card approved by CUB

Provisional Patient Card

- Patients under 18 years of age
- Issued and renews automatically with Guardian Card (no additional fee)
- Requires approval by Compassionate Use Board (CUB) and CUB may approve or deny a minor patients use of a vaping device

Medical Cannabis Caregiver Card

- Card renews automatically with associated Medical Cannabis Patient or Guardian Card
- Criminal background check

Medical Cannabis Guardian Card

- Issued to parent or guardian of patients under 18 years of age
- Valid for 60 days upon initial issuance, then six months upon renewal (with additional fee)
- Criminal background check

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A medical cannabis card is valid for 90 days for the first issuance and for a renewal, six months or one year if, after at least one year following the issuance of the original card, the QMP determines that the patient has been stabilized on medical cannabis treatment and a one-year renewal period is justified.¹⁰

PURCHASE AND POSSESSION RESTRICTIONS

In any one 28-day period, a patient may not purchase more than the lesser of:

- An amount sufficient to provide 30 days of treatment based on the dosing parameters that the qualified medical provider (QMP) recommends; or
- 113 grams by weight of unprocessed cannabis (flower); and
- For cannabis products in medicinal dosage form, more than a total of 20 grams of total composite THC.¹¹

Medical cannabis cardholders may not possess more than:

- 113 grams by weight of unprocessed cannabis (flower); and
- an amount of cannabis product that contains, in total, 20 grams of total composite THC.¹²

Any time a medical cannabis cardholder transports or possesses the unprocessed cannabis flower in public outside the primary residence of the medical cannabis cardholder, the unprocessed flower:

- Must be contained within an opaque, child-resistant bag that the medical cannabis pharmacy provides and is labeled with the container's content, weight, the date of purchase, the legal use termination date, and after December 31, 2020, a barcode that provides information connected to an inventory control system, and form measured in grams, milligrams, or milliliters.
- Cannot be labeled with a legal use termination date that is 60 days after the date of purchase of the unprocessed cannabis flower.¹³

These restrictions apply to medical cannabis cardholders and to patients with recommendation letters.

MEDICAL CANNABIS PHARMACIES

- 14 pharmacy licenses available with an annual renewal cycle.
- At least eight initial licenses to open before July 2020, with six to open later in the year, all issued under one Request for Proposal (RFP).
- UDOH may issue more licenses if market analysis determines necessity.

¹⁰ Utah Code 26-61a-201 (5)

¹¹ Utah Code 26-61a-503 (3)

¹² Utah Code 26-61a-102 (16)

¹³ Utah Code 26-61a-102 (17)

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- Must have at least one licensed pharmacist, MD, or DO registered as a pharmacy medical provider with Utah Department of Health onsite during all business hours to consult with patients.
- May only sell cannabis products in medicinal dosage form, medical cannabis devices, or educational materials related to the medical use of cannabis.
- To enter a pharmacy, an individual must be a cardholder (patient, guardian, or caregiver) or a patient with a recommendation letter and at least 18 years of age.
- Use of cannabis on property is forbidden.
- All pharmacy employees are required to register as medical cannabis pharmacy agents or pharmacy medical providers and pass criminal background checks.
- Cannot advertise but may have signage that includes green cross, name, and hours of operation.
- Must have a single, secure public entrance and be equipped with security system that detects and records entry and locks on any area that stores cannabis.
- Must follow product labeling requirements.
- May not be located within 600 feet of an area zoned as residential or a community location.
- An ordinance that a municipality or county enacts may not conflict with the Utah Medical Cannabis Act (26-61a) and governs the time, place, or manner of medical cannabis pharmacy operations in the municipality or county but such ordinances may not restrict the hours of operation from 7 a.m. to 10 p.m.
- Must use an Inventory Control System (ICS) that tracks cannabis using a unique identifier, in real time, from when the plant is eight inches tall to when the product is sold.

MEDICAL CANNABIS PHARMACY ADVERTISING

A medical cannabis pharmacy may not advertise in any medium except for the following:

- Advertise an employment opportunity;
- Signage not to exceed four feet by five feet in size on the outside of the medical cannabis pharmacy that includes only the facility's name, hours of operation, and a green cross; and
- Website that includes information about medical cannabis pharmacy limited to:
 - the location and hours of operation;
 - a product or service available;
 - personnel affiliated with the facility;
 - best practices that the facility upholds; and
 - educational material related to the medical use of cannabis.¹⁴

A medical cannabis pharmacy may hold an educational event for the public or medical providers. The event may not include:

- any topic that conflicts with the Utah Medical Cannabis Act (26-61a) or Cannabis Production Establishments (4-41a);
- any gift items or merchandise other than educational materials, as those terms are defined by the department;

¹⁴ Utah Code 26-61a-505

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- any marketing for a specific product from the medical cannabis pharmacy or any other statement, claim, or information that would violate the federal laws;
- a presenter other than the following: a Utah-licensed pharmacist, APRN, MD, DO, or PA; or a state employee; and
- attendees who are under age 21.¹⁵

The department will make rules to define the elements of and restrictions on educational events.

STATE CENTRAL PATIENT PORTAL

- Utah Department of Health has until July 1, 2020 to work with a vendor to set up a State Central Patient Portal online.
- The State Central Patient Portal will allow cardholders to:
 - Find contact information for all medical cannabis pharmacies in Utah and links to where cardholders can order product online. Orders submitted online and over the phone can only be fulfilled by medical cannabis pharmacies authorized by the department to provide home delivery service;
 - Review the cardholder's medical cannabis purchase history;
 - Manage the cardholder's personal information, including withdrawing consent for the use of cardholder information for a study; and
 - Find contact information for a medical provider employed by the Utah Department of Health who can provide the cardholder with counseling relative to their use of medical cannabis products and devices. With authorization from the patient, this medical provider may determine dosing parameters of medical cannabis products to be purchased by the cardholder and submit them in the electronic verification system.¹⁶

HOME DELIVERY

- Home delivery of medical cannabis may begin as early as July 2020.
- Home delivery of medical cannabis products or devices must be conducted by: (1) a home delivery medical cannabis pharmacy; or (2) a medical cannabis courier company licensed by the department who contracts with a home delivery medical cannabis pharmacy to deliver medical cannabis shipments.
- Medical cannabis shipments must be accepted in person by a cardholder with verified photo identification.
- Medical cannabis courier employees who transport medical cannabis must be registered by the department as medical cannabis courier agents. The department has until July 1, 2020 to begin accepting medical cannabis courier license applications.¹⁷
- Home delivery service will only be available to medical cannabis cardholder, not patients with recommendation letters.

¹⁵ Utah Code 26-61a-505 (5)

¹⁶ Utah Code 26-61a-601

¹⁷ Utah Code 26-61a-603

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LAWS TO BECOME EFFECTIVE JANUARY 1, 2021

These parts of the law become effective January 1, 2021:

- **Expiration of Recommendation Letters.** The legal protection offered by a “recommendation letters” expires on December 31, 2020. After January 1, 2021, medical cannabis in possession of medical cannabis cardholders must have been purchased from a medical cannabis pharmacy in Utah and a barcode that provides information connected to Utah’s inventory control system.
- **QMP Designation of Employee to Act in Behalf of QMP.** A qualified medical provider (QMP) may designate an employee to act on the QMP’s behalf to access the electronic verification system (EVS) to electronically recommend treatment with medical cannabis.¹⁸ This part of the law may become effective before January 1, 2021 if the EVS is functionally capable of allowing it.
- **All Utah-licensed physicians, APRNs, and PAs to have View Only Access to the EVS.** All Utah-licensed physicians, APRNs, and PAs may access information in the EVS regarding a patient the prescribing provider treats. This is view-only access to the EVS and a medical professional’s registration as a qualified medical provider with the Utah Department of Health is not required.¹⁹ This part of the law may become effective before January 1, 2021 if the EVS is functionally capable of allowing it.
- **Out of State Cardholders.** Non-resident patients who have a currently active medical cannabis card or the equivalent of a medical cannabis card under the laws of another state and have been diagnosed with a qualifying condition may register online with the department in order to purchase medical cannabis or a medical cannabis device from a medical cannabis pharmacy while the individual is visiting Utah. This registration process is only available for no more than two visitation periods per calendar year of up to 21 calendar days per visitation period.²⁰ This part of the law may become effective before January 1, 2021 if the EVS is functionally capable of allowing it.

CONTACT INFORMATION

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(801) 538-6504
medicalcannabis@utah.gov
www.medicalcannabis.utah.gov

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¹⁸ Utah Code 26-61a-103 (2),(3)

¹⁹ Utah Code 26-61a-103 (4)

²⁰ Utah Code 26-61a-201 (10) and 26-61a-102 (33)